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THE THEORY OF PROPERTY, LAW, AND SOCIAL ORDER IN HINDU POLITICAL PHILOSOPHY.

BENOY KUMAR SARKAR.

I. THE DOCTRINE OF MAMATVA (PROPERTY).

ACCORDING to the *Mahabharata*, *Manu Samhita*, *Shookra-neeti* and other texts of Hindu political theory, government is by nature coercive because man is by nature vicious. The state can thus be born only in and through *danda*, i.e., punishment or sanction. It is out of a condition of the "logic of the fish" (*mâtsya-nyâya*) or the Hobbesian and Spinozistic "state of nature," that *danda* brings into existence a well-regulated civil society, called the state. In Aristotelian terminology *danda* would be the "efficient cause" of the state.

What, now, are the marks of the state? How does it declare its existence? What are its functions? In what manner does it make itself felt among the people? In Hindu theory the state, as soon as it crystallizes itself into shape, conjures up *mamatva* ("mine"-ness, *Eigentum*, *proprium*) or *svatva* (*suum*), i.e., property, and *dharma* (law, justice and duty) out of primitive chaos or socioplasmic anarchy. Both these institutions are creations of the state. The state functions itself by generating them, and people recognize it in its activities fostering their nurture. *Mamatva* and *dharma* are, therefore, two fundamental categories in the political speculation of the Hindus.

Property does not exist in the non-state¹ (*mâtsya-nyâya*), i.e., in the condition of men left to the pursuit of their "own sweet will." In the non-state, of course, men can possess or enjoy, but they do not "own." Property, however, is not mere *bhoga*, i.e., enjoying or possessing, its essence con-

¹ *Manu*, VII, 20; Kautilya's *Artha-shastra*, I, 4 (ed. and trans. by R. Shamasastri). For a brief account of Sanskrit literature on politics see the author's article on "Hindu Political Philosophy," in the *Political Science Quarterly* for December, 1918, pp. 488-491.

² *Mahabharata*, *Shanti Parva*, LXVII, 12-14.

sists in *mamatva* or *svatva*, i.e., ownership.³ It is "one's own"-ness that underlies the "magic of property." To be able to say *mamedam*⁴ (This is mine) about something constitutes the very soul of owning or appropriation.

This proprietary consciousness is created in men for the first time by the state through its sanction, the *danda*. For it enjoins⁵ that vehicles, apparel, ornaments, and jewels must be "enjoyed by those to whom they belong," and that one's wives, children,—and food must "not be encroached upon by others." And it is only through *bhaya*⁶ or fear of the state that the people observe these injunctions, and the sanctity of property is kept entire.

A distinction is here brought out between mere *bhoga* and *mamatva* as the basis of the difference between the non-state and the state. In Europe the identical discrimination has been made by Rousseau in his *Social Contract*. "In the state of nature," says he, "there is but possession which is only the effect of the force or right of the first occupant"; whereas "ownership which is founded only upon a positive title" is an incident of "civil society."

Property (*bhoga* plus *mamatva*), then, is a *differentium* between the non-state and the state. And juridically speaking, the property taken cognizance of by the state is *laukika*, i.e., worldly, material, or secular, as the *Mitakshara*, the *Sarasvati-vilasa*, and other law-books⁷ make it clear. Thus considered, it is necessarily also a *differentium* between the state and the extra-state, e.g., a *Sookhâvati*,⁸ the transcendental Land of Bliss in Buddhist metaphysical lore. For in that super-sensual region "beings are not

³ *Ibid.*, LXVIII, 19.

⁴ *Ibid.*, LXVIII, 15.

⁵ *Ibid.*, LXVIII, 16.

⁶ *Ibid.*, LXVIII, 8. For *mât-sya-nyâya* and *danda* see the author's "Hindu Theory of International Relations," in the *American Political Science Review* (Aug. 1919), p. 307.

⁷ Cited in Jolly's *Recht und Sitte*, p. 91; *Svatvam laukikam* (*das Eigentum ist weltlich*); *Sarasvativilas* "geht vielleicht am weitesten in dieser Richtung," "in dem es die Entstehung des Eigentums aus rein weltlichen Akten betont."

⁸ *Buddhist Mahayana Texts*, Part II, pp. 13, 43, 55, in the Sacred Books of the East Series.

born with any idea of property even with regard to their own body." Besides, according to the *Geeta*, property is not to be acquired by ascetics and monks who desire to live, like the Senecan "wise man" or the Catholic Capuchin, an extra-statal or super-political life, in which, as the proverb goes, man is either a beast or a god.

We are not concerned here, however, with property, *laukika* as it is, in its bearings as a legal institution. The Hindu analysis of the distinction between real and personal property or discussion of the rights to use, destroy, transfer, bequeath and sell each species of property, need not, therefore, detain us. We are interested for the present in the concept of property as a political category only, *i.e.*, as influencing the theory of the state. But it may be remarked, in passing, that it is the state backed by *danda* that gives validity to the "seven modes"⁹ of acquiring property and to its "three titles"¹⁰ as well as to other legal incidents.¹¹

Nor does it fall within our scope to discuss the concept of property as an economic entity. Obviously, of course, the property generated by the state is Aristotelian in its exclusiveness, as the phrase *mamedam* signifies. It does not contemplate the communism of Plato or of More. "A field," says Manu,¹² "belongs to him who cleared away the forests, and a deer to him who first wounded it." This is individualistic tenure and jurisdiction in their primitive form.¹³ But no matter whether held in common or private, it is pertinent to observe that the sacredness of property can be established only by the state through its *danda*.

Two miraculous changes are effected in social life, once private property is thus ushered into existence. First, people can sleep at night without anxiety "with doors

⁹ *Manu*, X, 115.

¹⁰ *Vashishtha*, XVI, 10 (S. B. E. Series).

¹¹ Jolly, 90-92.

¹² IX, 44.

¹³ Letourneau's *Property: Its Origin and Development*, p. 72.

open.”¹⁴ And secondly, women decked with ornaments may walk without fear though “unattended by men.”¹⁵

This sense of security as regards property is, therefore, the first great achievement in the humanization of Caliban. This is the first item in the civilizing of man by *danda* out of the *mâtsya-nyâya* or “law of beasts and birds.”

II. THE DOCTRINE OF DHARMA (LAW, JUSTICE, AND DUTY).

Property is the first acquisition of man through the state. His second acquisition is *dharma*. The doctrine of *dharma* is like the doctrine of *mamatva*, an essential factor in the theory of the state, and both have their foundations in the doctrine of *danda*.

There is no *dharma* in the non-state,¹⁶ i.e., in the condition of men left to themselves.¹⁷ It comes into existence with the state. *Dharma* is created by the state or rather by its sanction, *danda*.¹⁸ No state, no *dharma*. *Dharma* does not flourish where “politics” is not; it flourishes only as long as there is the state. In other words, *dharma* appears as *mâtsya-nyâya* disappears, and *dharma* ceases to exist with the extinction of the state. Logically, therefore, a people can have no *dharma* when its statal life is abolished, e.g., through loss of freedom, revolution or anarchy.

We shall now proceed to analyze this *dharma*. What is that category in Hindu thought, which, besides property, serves to differentiate the state from the non-state? What is that characteristic, shorn of which, as shorn of *mamatva*, the state would revert to the condition of *mâtsya-nyâya*? The answer to these questions lies in the doctrine of *dharma*.

Dharma is a very elastic term. Like *jus*, *Recht* and *droit* it has more than one meaning. It really admits of almost all the ambiguities associated with the term “law”

¹⁴ *Maha, Shanti*, LXVIII, 30.

¹⁵ *Ibid.*, LXVIII, 32.

¹⁶ *Ibid.*, LXVII, 1.

¹⁷ *Ibid.*, LXVIII, 22.

¹⁸ *Manu*, VII, 14, 15, 18.

as analyzed by Holland in his *Jurisprudence*. Thus there are at least five senses in which *dharma* is used in scientific treatises as well as in common parlance; viz.,

1. Religion, a category of theology, *e.g.*, Confucian *dharma*, Mohammedan *dharma*, Christian *dharma*, Hindu *dharma*, etc.
2. Virtue, as opposed to vice or sin, a category of ethics.
3. Law, as a category of jurisprudence.
4. Justice.
5. Duty.

For purposes of political theory we have to neglect 1 and 2 and confine ourselves to the import of *dharma* as law, justice, and duty. The doctrine of *dharma* then enunciates three propositions: First, that the state differs from the non-state as a law-giving institution; secondly, that the state differs from the non-state as a justice-dispensing institution; and thirdly, that the state differs from the non-state as a duty-enforcing institution.

In the *mâtsya-nyâya* there is no law, no justice, no duty. The state is the originator of law, justice and duty.

A. Dharma as Law.

Dharma (law) is the creation of the state, and the state, as such, has the sanction of *danda*. Theoretically, therefore, every *dharma*, if it is nothing but *dharma*, is *ipso facto* what should be called "positive" in the Austinian sense. *Dharma* is obeyed as *dharma* only because of the coercive might of the state. All *Dharma-shastras*, *i.e.*, the legal text books, *e.g.*, those of Manu, Yajnavalkya, Narada, Brihaspati, and others, would thus automatically acquire the character of "statute"-books simply because their validity, provided they have any validity, depends on the authority of the state. The Yajnavalkyas and Manus would obviously have no "sanction" in a condition of *mâtsya-nyâya*.

But probably, so far as actual practice is concerned, the *dharma-shastras* of India had no greater sanctity than as treatises embodying the "positive morality" of the dif-

ferent ages. Let us, therefore, examine how the nature of *dharma* (as law) was understood by the theorists themselves. As is well known, law as a category of jurisprudence, has passed through two stages in European thought. The same two concepts we notice in Hindu political philosophy also.

In ancient European theory law is the embodiment of eternal justice. Thus, according to Demosthenes (fourth century B. C.), laws are the gifts of the gods and the discovery of the sages. In Aristotle's conception law is the rule of god and reason. Stoics, like Cicero and Seneca, believed that law lies in the hearts of all men.

This doctrine of "natural law," of law as the "king of all things," was maintained by the jurists such as Gaius and others whose views are codified in the *Digest* of Justinian. It was the theory also of Celsus and other Church Fathers. In medieval European (Teutonic)¹⁹ theory, so far as there was any theory independent of the tradition of Roman jurisprudence, law was not something "made" or created at all, but something which existed as a part of the national, or local or tribal life.

The modern theory of law in Europe may be said to have originated in the sixteenth and seventeenth centuries with Bodin and Hobbes in their analysis of sovereignty. It has since become classical, however, as the handiwork of Austin,²⁰ the father of analytical jurisprudence. According to this view, law is the command of the sovereign enforced by a sanction.

Thus there are two theories of law,—first, law as uncreated or original, existing either as a part of the universal human conscience, taught by "natural reason," or as a custom among the people; and secondly, law as created by the fiat of a law-maker, as something which is to be obeyed not because it is just, good or eternal, but because it has been enacted by the state. Both these conceptions are to be

¹⁹ Carlyle's *Medieval Political Theory in the West*, Vol. I, p. 235; Mackenzie's *Studies in Roman Law*; Gomme's *Folklore as an Historical Science*, 84–100.

²⁰ *Lectures on Jurisprudence*, VI.

found among the speculations of Hindu political philosophers. The distinction between positive law and ethics is clearly set forth by Vijñāneshvara (eleventh century) in his notes on the text of Yājñavalkya²¹ in regard to the judicial duties of the king.

The ethical conception of law as the dictate of conscience, *i.e.*, as *jus naturale* has a long tradition in Hindu thought. In the *Bṛihadaranyak-opaniṣat*²² law is identical with truth and is as powerful as king. It is of course the creation of God. Brahman (God), we are told, "was not strong enough." So he "created still further the most excellent *dharma*. . . . There is nothing higher than law. Thenceforth even a weak man rules a stronger with the help of the law, as with the help of a king. Thus the law is what is called the true. And if a man declares what is truth, they say he declares the law; and if he declares the law, they say he declares what is true. Thus both are the same." According to Apastamba,²³ law is what is "unanimously approved in all countries by men of the Aryan society, who have been properly obedient to their teachers, who are aged, of subdued senses, neither given to avarice, nor hypocrites." In *Manu-Samhita*,²⁴ again, law is whatever is practised and cherished at heart by the virtuous and the learned, who are devoid of prejudices and passions. Vāśiṣṭha²⁵ and Baudhayana²⁶ also hold the view that law is the practice of the *śhishtas*, *i.e.*, those whose hearts are free from desire. The *śhishtas*, *rishis*, passionless and unavaricious persons of India are obviously the "sages" of Demosthenes. And in Yājñavalkya's Code²⁷ according to which law is *sadācāra*, *i.e.*, the "practice or conduct of good men," what "seems pleasant or good

²¹ T. N. Mitra's *Tagore Law Lectures*, pp. 32-33; Kishori Lal Sarkar's *Rules of Interpretation in Hindu Law*, Lect. IX, p. 116.

²² I, 4, 14, *The Upanisads*, Vol. II, p. 89, in the S. B. E. Series.

²³ I, 7, 20, 8, in the S. B. E. Series.

²⁴ II, 1.

²⁵ I, 5-6.

²⁶ I, 1, 1, 4-6.

²⁷ I, i, Introduction, 7.

to one's self," and the "desire that springs from mature consideration," as well as in the *Vyavahara Darpana*, where law is described as something "eternal and self-existent, the king of kings," far "more powerful and right" than they, we have once more the Oriental counterpart of the Greek, Stoic, Roman and Patristic conceptions of law as morality.

In Hindu analysis *dharma* came to be defined as positive law also. The conception of law as *rājñām ājnā* in Kautilya's language, i.e., as command enforced by sanction, finds clear expression in the writings of Narada, Shookra, Jaimini and his commentator Shabara Swami. In Narada's *Smṛiti*²⁸ we are informed that the performance of duty having fallen into disuse, positive law (*vyavahara*) has been introduced, and that the king as superintending the law is known as *danda-dhara* or wielder of *danda* (the power to punish). The sanction is definitely mentioned in the *Shookra-neeti*,²⁹ according to which the sovereign should categorically state in his commands that he would "surely destroy by severe punishment those offenders who after having heard these his decrees would act contrary to them." In order that the law may be seriously recognized as command Shookra stipulates that the greatest amount of publicity should be given to it. For instance, it is the duty of the sovereign to have the laws announced by the state drum³⁰ or have them inscribed in esplanades as written notices. The documents embodying these commands (*shāsana-patra*)³¹ are to bear the king's signature, date, etc. Laws thus being the promulgations of the state, we read further in the *Shookra-neeti*³² that the king is the "maker of the age," the "cause of time" and of the good and evil practices, and that since the ruler is the dictator of virtues and vices, people make it a point to practise that by which

²⁸ Introduction, I, 2.

²⁹ I, lines 623-624.

³⁰ *Shookra-neeti*, I, 625-626 (B. K. Sarkar's trans. in the Panini Office Series, Allahabad).

³¹ *Ibid.*, II, 607-608.

³² IV, i, lines 116-119.

he is satisfied. Besides, as law is upheld by sanction we can easily understand why Shookra advises the sovereign to make use of his terrible weapon³³ in order to maintain the people each in his proper sphere.

The same idea of positive law is expressed by Jaimini in the very definition of *dharma*. As we find in his *Mimamsa-Sootra*, *chodanâlakshanartho dharmah*.³⁴ *Dharma* is that desired-for object (*artha*) which is characterized by command (*chodanâ*). Jaimini has also examined the reason as to why that which is determined by a command should be obligatory. He analyzes the reason as lying in the fact that "the relation between the word of command and the purpose to which it is directed is eternally efficacious."³⁵

The doctrine of *dharma* as law introduces into the theory of the state the cardinal element of sovereignty. Whether *dharma* be taken as equivalent to the dictates of a moral sense, or as the observance of a tribal or some other established usage or as the deliberate order issued by an authority with threat of punishment in case of violation, it is clear enough that *dharma* is like *danda* the most awe-inspiring fact in the state's life. *Danda* and *dharma* are, indeed, the two faces of the political Janus, so to speak, the one looking to the failures, the other to the triumphs. Or, to express the same thing in a different way, *danda* is the root of a tree which flowers in *dharma*. The state can be recognized positively by *dharma* which is in evidence, while *danda* maintains its vitality from behind.

B. *Dharma as Justice.*

We have now to understand the doctrine of *dharma* as justice in its bearing on the theory of the state. Justice does not exist in the *mâtsya-nyâya*; if, therefore, a reversion to *mâtsya-nyâya* is to be avoided, i.e., if the state is to be maintained, justice must not be tampered with. Justice

³³ *Ibid.*, I, 120.

³⁴ Ganganath Jha's *Shabara Swami's Commentary on Jaimini's Mimamsa* in the *Indian Thought* for 1910 (Allahabad).

³⁵ K. L. Sarkar, *Lect. I*, pp. 23-24.

is necessarily as integral a branch of sovereignty in Hindu conception as law.

The dignity of justice has been declared by Manu³⁶ in the following terms: "If justice is violated, it destroys the state, if preserved, it maintains the state. Therefore justice must not be destroyed." Such sentiments in the *Manu Samhita* could be bodily incorporated in the writings of a Jonas or an Alcuin of the ninth century and other medieval European theorists³⁷ with whom the maintenance of justice is the *sine qua non* of the state and kingship.

But what is justice? It is a most practical or pragmatic definition that the Hindu theorists offer. According to Manu³⁸ justice consists in the application of law to the cases arising between the members of the state. And that law is to be known from the customs and from the *Institutes*, e.g., those of Gautama, Yajnavalkya, and others. Justice, as interpreted by Shookra,³⁹ consists of two elements: First, it consists in a discrimination of the good from the bad (of course, according to the laws). Secondly, it has a utilitarian basis, in as much as it is calculated to minister to the virtues of the rulers and the ruled and promote the common weal.

The doctrine of *dharma* as justice is thus organically connected with the theory of the state as contrasted with the non-state.

C. *Dharma as Duty.*

Mâtsya-nyâya is a condition in which duties are nil. Men left to themselves tend even to persecute⁴⁰ their mothers, fathers, the aged, the teachers, the guests and the preceptors. It is the fear of *danda* that brings about an order among men, each man minding his own duty (*sva-dharma*).⁴¹ The doctrine of *dharma* as duty is thus

³⁶ VIII, 15.

³⁷ Carlyle, Vol. III, 109.

³⁸ VIII, 3.

³⁹ IV, v, lines 7-11.

⁴⁰ *Maha, Shanti*, LXVIII, 16.

⁴¹ *Ibid.*, LXVIII, 8; *Manu*, VII, 21, 22, 24; *Shookra*, I, lines 45-51.

like that of *dharma* as justice, naturally a doctrine of the conservation of the state. It is only from this standpoint that the theory of duties has a bearing on the theory of the state.

The doctrine of duty as stated in the *Geeta*⁴² runs thus: "One's own duty, though defective, is better than another's duty well performed. Death in performing one's own duty is preferable; the performance of the duties of others is dangerous." The passage here has no mere metaphysical significance. This theory of *sva-dharma* (one's own duty) has a political significance as well. It has the sanction of the state behind it; for, says Manu,⁴³ "neither a father, nor a teacher, nor a friend, nor a mother, nor a wife, nor a son, nor a domestic priest must be left unpunished if they do not keep within their duty." According to Shookra⁴⁴ also the people should be kept each in his proper sphere by a "terrible use" of the weapon of sovereignty.

Duties are thus enforced by *danda*, which also backs the laws. Indeed, from the angle of the *prajâ* or *prakriti* (the people in the state), *dharma* as duty is but the obverse of *dharma* as law. What the state calls "laws" are recognized as "duties" by its members as a matter of course. The doctrine of duty is thus identical with that of law, turned inside out.

Altogether, then, the doctrine of *dharma* in its entirety imparts to the state the character of an institution for the advancement of "culture." The state elevates man out of the law of beasts by instituting legislation, adjudication, and enforcement of duties. The functions of the state are thus in keeping with the ideas involved in the doctrine of *danda*. The state as a pedagogic or purgatorial or moral training institution is not merely a *mamatva*-insuring instrument, *i.e.*, a property-securing agency, but a *dharma*-promoting *Samooka* or public association, *i.e.*, a

⁴² *Sacred Books of the East*, Vol. VIII, ch. III, pp. 56, 127.

⁴³ VIII, 335.

⁴⁴ I, line 120; IV, iii, 15.

Kultur-staat or the "virtue"-state of Plato. And herein the Hindu theory meets Aristotle's conception of the state as the means to the furtherance of the "highest good" of man.

III. THE DOCTRINE OF VARNÂSHRAMA (CLASSES AND STAGES).

Out of *mâtsya-nyâya* evolves *dharma* through the fiat of *danda*. Now *dharma* has need to be embodied, i.e., the *Kultur-staat* must have to materialize itself in space and time. This is accomplished in the *rashtra*, which provides sovereignty with "a local habitation and a name." It is in and for the *rashtra* that the state institutes *mamatva* and *dharma*. Property, law, justice and duty are concretely realized through this medium. The doctrine of *rashtra* thus furnishes the crowning arch in the Hindu theory of the state.

What is this *rashtra*? It signifies "the country." Both "movable and immovable things" are indicated by the term.⁴⁵ It is a territorial concept comprehending an aggregate of human beings and material possessions and thus constitutes the "physical basis" of the state. It may be taken almost as equivalent to *res publica*. The doctrine of *rashtra* would, therefore, naturally consist of two parts: (1) the doctrine of property, and (2) the doctrine of *prajâ prakriti* or population. The doctrine of property has already been investigated. Let us now examine the doctrine of population in its bearing on the theory of the state.

In the *mâtsya-nyâya* condition there is the people, but no state, because there is no *danda* to enforce *dharma*. If the *prajâ* is not to remain *ad infinitum* an amorphous mass of *selbständig* atoms, it must have to follow *sva-dharma*, i.e., the members of the society must perform their respective "duties," which, as we have seen, are really "laws" turned inside out. The observance of these duties would necessarily imply the organization of the people into a unified state, a *samooha* or a *polis*.

⁴⁵ IV, iii, line 2.

Now, communally speaking, the *prajā* or members of a society naturally fall into economic and professional groups, classes or orders, the so-called castes of India. The alleged classification of a society into four occupational groups, *e.g.*, Brahmana, Kshatriya, etc., is, however, a conventional myth, at best a legal fiction. Students of *Realpolitik* like Shookra⁴⁶ are aware that the actual number of these orders or castes is "unlimited." The reason, as may be guessed, is stated in the *Shookra-neeti* to be the "intermixture of blood through marriages." These orders of *prajā* or classes of members of the state are known as *varnas*,⁴⁷ *i.e.*, colors, probably designated after some typical (or hypothetical?) ethnic complexion. Further, from the standpoint of the individual, we have to notice that people pass through well-marked physiological stages, *e.g.*, infancy, adolescence, etc. These stages or periods of life in every person are called the *āshramas*.⁴⁸ They are arbitrarily known to be four in the span of human existence.

The total population with all its interests and problems of all the different periods of life is then comprehended by the two categories, *varnas* (classes) and *āshramas* (stages). If, therefore, the people is to constitute a state, all members of each of the *varnas* (no matter what their number and what their occupations) must have to perform the duties (*svadharma*) at each of the four *āshramas* or periods of life. Thus, the soldier at the front must "do or die," the young man while at school must not marry, the king must keep to the coronation oath, and so forth. This is the doctrine of *varnāshrama*,⁴⁹ the counterpart of the Platonic correlation of "virtue" and status.

As soon, therefore, as the *prajā* is organized into a state, be it in any part of the world or in any epoch of history, a *varnāshrama* spontaneously emerges into being as a matter

⁴⁶ IV, iii, lines 22-23.

⁴⁷ Kamandaka, II, 18-21 (Text in the *Bibliotheca Indica* Series, Trans. by M. N. Dutt).

⁴⁸ *Ibid.*, II, 22-31.

⁴⁹ Kamandaka, II, 35.

of course. It is inconceivable, in this theory, that there should be a state and yet no *varnâshrama*. To say that the state has been born and yet the various orders or classes of the people do not follow *dharma* would, indeed, be a contradiction in terms, a logical absurdity. *Sva-dharma* leads inevitably to *varnâshrama*, the two are "relative" terms. They indicate coexistent phenomena in the social world. In other words, the doctrine of *varnâshrama* is a corollary to that of *dharma* as duty, *varnâshrama* is but *svâ-dharma* "writ large."

The non-existence of *varnâshrama* is possible only under conditions of non-performance of duty. Suppose the *varnas* do not follow *dharma*, e.g., the soldier flies from the enemy in a cowardly manner, the husband does not maintain the wife, the judge encourages the fabrication of false evidence, the king violates the *samaya* or compact with the *prajā*, and so forth. According to Shookra⁵⁰ the offenders are to be rectified by the *danda* of the state. This is the supreme moment for the exercise of sovereignty. Why, even the king is not immune from penalty. Rather, as Manu⁵¹ declares, "the settled rule," where "a common man would be fined one *karshapana*, the king shall be fined one thousand." Really, a state is no state unless it can enforce as duty the *dharma* that it has enacted as law. This should be postulated in the irreducible minimum of the state's functions. One can, therefore, easily understand with Kamandaka⁵² why if *dharma* is violated by the members of the state there is bound to be a *pralaya* or dissolution of the world. Verily, with the extinction of *varnâshrama*, there is a reversion to *mâtsya-nyâya*. The violation of *sva-dharma* and of *varnâshrama* brings back the "state of nature," and the state automatically ceases to exist.

Varnâshrama, though obviously a socio-pedagogic and ethnico-economic term, is thus fundamentally a political concept. It is an indispensable category in an organic

⁵⁰ IV, iv, 6, 82-83.

⁵¹ VIII, 336.

⁵² II, 34.

theory of the state. It is identical with *rashtra* from the demographic (*prajā* or population) aspect. The doctrine of *varnāshrama* is, therefore, the doctrine of *rashtra* minus the doctrine of property; and further, the doctrine of *dharma* (as law and duty) applied to the total *prakriti* (or members of the state) coincides with the doctrine of classes and stages. The doctrine of *varnāshrama* then is clearly an integral part in a consistent philosophy of politics.

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